



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Recommendation from the Contamination Advisory Committee Regarding the Issuance of Subpoenas

MEETING DATE: May 16, 2001

PREPARED BY: Randall A. Hays, City Attorney

RECOMMENDATION: That the City Council authorize the issuance of subpoenas based upon the recommendation of the Contamination Advisory Committee.

BACKGROUND: By Resolution No. 97-09, adopted by the City Council on January 15, 1997, the Council established a legislative proceeding to investigate the adequacy of existing legislative environmental schemes, and to take such action including legislation at the municipal level and recommendations to the appropriate state or federal legislative bodies, as the City Council deems appropriate. Additionally, there was established an advisory committee of the City Council consisting of two Council members to investigate the toxic environmental contamination found principally in the central business district and peripheral commercial and residential areas of the community. The advisory committee consists of the Mayor and Mayor Pro Tempore. One of the functions of the committee is to investigate potential methods to finance the abatement of the contamination. Under provisions found in §37104 of the California Government Code, subpoenas may be issued in order to acquire information in order to make the investigation of the problem meaningful.

The Contamination Advisory Committee met and conversed over the telephone on May 11, 2001 and May 15, 2001. Based upon those discussions, the committee recommends to the City Council that it authorize the issuance of subpoenas to 1) CNA Casualty of California, 2) Continental Casualty Company, 3) National Fire Insurance Company of Hartford, 4) Hartford Steam Boiler Inspection and Insurance Company, 5) The Insurance Company of the State of Pennsylvania, 6) New Hampshire Insurance Company, 7) AIU Insurance Company, 8) Hartford Accident and Indemnity Company, 9) Hartford Fire Insurance Company, 10) Hartford Casualty Insurance Company, 11) Property and Casualty Insurance Company of Hartford, 12) Twin City Fire Insurance Company, 13) Farmers Insurance Company, Inc., 14) Hartford Underwriters Insurance Company, 15) Valley Insurance Company, 16) Insko Insurance Services, Inc., 17) American National Fire Insurance Company, 18) American Hardware Mutual Insurance Company, 19) State Farm General Insurance Company, 20) Indemnity Company in California. The information that can be gathered under the subpoena process will be useful in determining the extent of the coverages provided by those companies. Determining the level of coverage is important so that we may be able to develop an understanding of the extent of funds available to be utilized in the proposed cleanup activities.

FUNDING: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager